

### **REMARKS**

Claims 1-9, 14-16 and 18-24 are currently under examination and have been rejected by the present final Office Action. Examiner Chandler conducted a telephonic interview with the Assignee's Representatives on November 18, 2008. During the interview, the 35 U.S.C. § 101, 102, and 103 rejections were discussed. Distinctions between the claimed inventions, as amended, and the cited art references were also discussed. No agreement as to the patentability of the amended claims was reached.

After entry of the present amendment, claims 1-9, 14-16 and 18-24 remain pending in the present application. The present amendment amends independent claims 1, 14, and 22-24, and dependent claims 7, 8, 9, 15, 16, 20 and 21 to clarify the scope of the claimed inventions. Elements from canceled claims 5 and 15 are included in amended claims 1 and 14. Reconsideration and examination of the amended application is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 101**

Claims 14-16, 20 and 21 are rejected under 35 U.S.C. §101 as allegedly directed to nonstatutory subject matter. By the present amendment, independent claim 14 is amended to clarify that the system of claim 14 is directed to a computer system, the computer system can include at least one authorization host module comprising a computer-readable medium comprising computer-readable instructions, and that certain elements are performed via a processor, for example, “determine, via a processor, eligibility...”; “generate, via a processor, an electronic authorization response...”; “receive, via a processor, an electronic response packet...”.

Agent for the Assignee believes that the alleged 35 U.S.C. §101 rejection has been traversed.

#### **Claim Rejections Under 35 U.S.C. § 102 and § 103**

The final Office Action rejected claims 1-4, 14, 18-21 and 23 under 35 U.S.C. §102(b) as being anticipated by Templeton, U.S. Patent No. 5,679,938 (henceforth “*Templeton*”). Furthermore, the final Office Action rejected claims 5-9, 15 and 16 under 35 U.S.C. §103(a) as

being unpatentable over *Templeton*, in view of Nichols, U.S. Patent Application Publication No. 2001/0037299 (henceforth “*Nichols*”). The present amendment amends independent claim 1 to clarify the claimed invention of claim 1 can include: “storing the electronic authorization response in an authorization response file; storing the electronic response packet in a response packet file; comparing, via a processor, the response packet file with the authorization response file prior to settling the transaction; and settling the transaction when data in the response packet file matches data in the authorization response file.” (emphasis added). Claims 14, and 22-24 have been similarly amended.

These elements are not explicitly taught or suggested by the references cited in the Office Action, either alone or combination with each other. These amendments are fully supported by the Applicants’ specification, and are drawn from canceled dependent claims 5 and 15, and for which arguments of patentability are presented below.

The Office Action states: “Templeton fails to explicitly disclose storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file prior to settling the transaction. *Nichols* discloses storing the authorization response in an authorization response file, storing the response packet in a response packet file, and comparing the response packet file with the authorization response file prior to settling the transaction (Fig. 3, [0023] [0033]-[0034] [0055] - [0059])”

Agent for Assignee submits that *Nichols* does not teach or suggest the elements: “storing the electronic authorization response in an authorization response file; storing the electronic response packet in a response packet file; comparing, via a processor, the response packet file with the authorization response file prior to settling the transaction; and settling the transaction when data in the response packet file matches data in the authorization response file.” In particular, the cited references (Fig. 3, [0023] [0033]-[0034] [0055] - [0059] in *Nichols*) at most, discuss only in general terms, the structure, operation, and process of a transaction database, but none of these citations teach or suggest a process for “obtaining electronic confirmation to debit bank accounts so that multiple debits for the same transaction may be reduced or eliminated” (See Applicants’ specification paragraph [0007]). For example: Fig. 3 in *Nichols* shows only a block diagram including a block labeled “Outside Databases”, but there is no structure or

suggestion showing storage or comparison of an authorization response and response packet. Paragraph [0023] discusses accessing positive and negative files for determining credit risk, but does not address confirmation. Paragraph [0033] recites the elements of a communication network and a general database; paragraph [0034] recites a process for approval, and states that the databases are continuously maintained; paragraph [0055] discusses the point-of-sale terminal; paragraph [0056] discusses the central computer and the general use of the database; paragraph [0057] covers the most detail, mentioning that settlement inquiries are converted, and reasons for rejection are retained, but again, there is no teaching or suggestion showing storage or comparison of an authorization response and response packet. Paragraph [0058] recites a process for approving a transaction event, and paragraph [0059] addresses credit worthiness.

To the contrary, *Nichols*, paragraph [0019] states in part: "Subsequent to a transaction event's being 'Approved', funds are debited from an authorized consumer account..." Therefore, *Nichols* teaches away from the process for "obtaining electronic confirmation to debit bank accounts so that multiple debits for the same transaction may be reduced or eliminated."

In summary, neither *Templeton* or *Nichols*, alone or in combination with each other teach or suggest at least the elements "storing the electronic authorization response in an authorization response file; storing the electronic response packet in a response packet file; comparing, via a processor, the response packet file with the authorization response file prior to settling the transaction; and settling the transaction when data in the response packet file matches data in the authorization response file." For at least the reasons provided above, amended independent claims 1, 14, 22, 23, and 24 should be allowable over the cited references.

Claims 2-4, 6-9, 16, and 18-21 are ultimately dependent from either independent claims 1 or 14, for which arguments of patentability have been provided above. If the base independent claims are allowable over the cited references, the corresponding dependent claims should also be in condition for allowance.

**CONCLUSION**

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029. If the Examiner believes a telephone conversation would facilitate the examination of this application, Applicants invite the Examiner to call the Agent below at any time.

Respectfully submitted,

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